

Social dialogue and occupational health and safety in the Republic of Croatia¹

Abstract

This article provides an overview of the results of a survey on the quality of social dialogue in the implementation of occupational health and safety law in the Republic of Croatia. The survey was carried out within the EU project Occupational Health and Safety – an Opportunity and a Challenge in Social Dialogue together with the Independent Trade Union of Food and Beverage Manufacturers from Kutjevo as project leader. The effective realisation of occupational health and safety objectives requires properly-conducted social dialogue on all issues related to the health and safety of workers as well as an understanding of the role and obligations of employees' elected safety reps, authorised OHS officers, OHS specialists and shop stewards. The results of the survey point to the conclusion that additional activities directed at education and awareness must be implemented in order to contribute to strengthening and improving the social dialogue. Consequently, a set of programme guidelines have been proposed in this direction, applying to trade union federations and confederations at all levels.

Keywords: safety representatives, social dialogue, social partnership, occupational health and safety at work, European harmonisation, trade union strategies

Introduction

Social dialogue

To be able successfully to resolve problems in the domain of social policy and reach consensus, it is necessary to establish dialogue and involve the representatives of all interested parties. Social dialogue, as the foundation of European social policy, aims to create decent working conditions for all workers, improve labour legislation and develop social partnership:

Social dialogue between holders of diverse interests is a complex process implying intricate relationships. The main objective of negotiations is to find a compromise. (Učur & Smokvina, 2010)

- 1 This article is based on information published in A. Šijaković, I. Krišto, C. Kovač and H. Kovač (2018) *Quality of social dialogue in the implementation of health and safety at work* Kutjevo: Independent Trade Union of Food and Beverage Manufacturers [in Croatian] ISBN: 978-953-48221-0-4. Translation of the original language publication was provided specifically for the European Trade Union Institute, publishers of the *SEER Journal*, by Mirna Herman Baletić from *Jezični laboratorij* www.language-lab.hr.

Collective bargaining is the most significant form of social dialogue at national level and it implies negotiations between unions and employers on better wages and working conditions, which usually result in binding and enforceable collective agreements. However, there are other forms of social dialogue as well, ranging from consultation to the simple exchange of information. Social dialogue may take place at various levels, i.e. at national, sectoral, company or plant levels. Furthermore, social dialogue may take bipartite form and involve only unions and employers, or it may be tripartite, implying the involvement of unions, employers and the government (Buklijaš, 2012).

Social dialogue is defined by the International Labour Organization to include:

All types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers or social partners themselves on all issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue, or it may consist of bipartite relations only between labour and management (or trade unions and employers' organizations), with or without indirect government involvement. Processes relating to social dialogue can be informal or institutionalized, and often a combination of the two. It can take place at national, regional or company levels. It can also be inter-sectoral, sectoral or a combination of the two.

The most relevant ILO conventions and recommendations concerning social dialogue are ILO Convention No. 144 concerning Tripartite Consultation, together with the corresponding Recommendation No. 152 and ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise. The key aspect of social dialogue is an approach based on social partnership, starting from the presumption that trade unions and employers' organisations recognise the existence of a common problem while committing to joint actions aimed at finding a solution. In that way, social dialogue becomes a mechanism for finding consensus, as well as an instrument with which trade unions and employers' organisations can have an impact on government decisions, i.e. lobby at political level on behalf of their own interests. No matter whether it takes bipartite or tripartite form, social dialogue presupposes a collaborative approach with the aim of achieving a common understanding of the problem and reaching a compromise or solution acceptable to all parties. The existence of strong and representative trade unions and employers' organisations is an important prerequisite for successful negotiation, in combination with shared interests and the readiness of all the stakeholders involved to enter into such a collaborative form of constructive dialogue.

Bearing in mind that parties do not very often share common objectives, it is very important to select an appropriate topic or issue that will be the subject of negotiation (Voss *et al.* 2013). Trade union insistence on dialogue will not necessarily lead to success since it implies co-operating with a partner that is not ready to make a compromise but wants instead to fight for its own interests. To illustrate, it is most certainly better to initiate social dialogue on certain issues which can lead to some degree of consensus, or small success. Some of the issues that might not be as problematic include topics like occupational health and safety, equal opportunities and non-

discrimination, and professional training and lifelong learning. The correct way of ensuring the implementation of what has been agreed is another crucial and, in many cases, problematic aspect. The first key question that arises here is the extent to which the results of social dialogue are binding on the social partners.

Social dialogue has various functions ranging from superficial information and communication without any obligation to adopt concrete policies to effective negotiations digging deep into the heart of a matter, and which may have legally binding or non-binding effects.

The main potential benefit of social dialogue, as an instrument for managing a national industrial relations system, is related to the significant contribution which can be made in conflict resolution by the finding of compromises and joint solutions. Social dialogue opens the space for interaction and a decision-making process involving all the social partners in which trade unions and employers' organisations have the opportunity to play an active, institutionalised and recognised role within the policy-making process at national level through autonomous agreements or tripartite dialogue on the government's social and labour market policies. Furthermore, national sectoral dialogue, on the one hand, and inter-sectoral dialogue on the other, are both very important in the collective bargaining framework as tools for determining basic working and employment standards but also in preventing the fragmentation of labour the force and competition arising from labour costs and working conditions (Kovač, 2016).

The social partners can be involved in the social dialogue in three different ways (International Labour Organization, 2012). They can participate in policy-making processes, e.g. by giving advice and providing consultation in the drafting of laws proposed by the government or by publicising joint bipartite positions and declarations of intent. Secondly, they can participate in decision-making at the level of government policies or by preparing autonomous bipartite agreements and engaging in collective bargaining. Finally, the social partners can play an important role in managing and supervising the implementation of agreements and laws.

Social dialogue and social partnership in the protection of health and safety at work in Croatia

In Croatia, the national Economic and Social Council is the central organisation of tripartism and the mechanism for the harmonisation of economic and social interests. However, joint co-operation and collaboration has also been extended, through agreements between the government and social partners as well as the representatives of regional (local) self-government, to various other bodies that are relevant for both workers and employers. These bodies can be organised at different levels, ranging from the county to the national level.

Furthermore, the provisions of the Labour Code² stipulate the foundations for collaboration between the social partners at company level and at the level of the institutions through the activities of union officials, works councils, safety reps elected

2 Labour Act *Official Gazette* 93/14, 127/17.

by employees and workers' representatives on company supervisory and management boards.

Within the process of information, consultation and co-determination, established in the Croatian labour legislation since 1996, there is an interdependent relationship between the employer and the works council, trade union organisation and elected safety representatives. The rights and obligations within the competences of the various bodies indicate their relevance not only in terms of representation and the protection of workers' rights but also in terms of shaping industrial relations with the employer.

According to the ILO conventions, with which the Croatian Constitution and the legal order in Croatia are in accordance, the term 'workers' representatives' covers trade union representatives and representatives freely elected by the workers of an undertaking in accordance with the provisions of national laws or regulations or collective agreements, and enjoy certain rights, obligations and protection (International Labour Organization, 2012).

In particular detail in this immediate context, the employer is obliged to inform and consult workers or their representatives on issues relating to occupational health and safety in accordance with Croatia's *Occupational Health and Safety Act*.

Works council

The right to co-determination is a particularly important right within the Croatian labour legislature. Pursuant to the provisions of the Labour Act, the employer is obliged to inform the works council at least every three months about (amongst other things) the scope and reasons for introducing longer working hours, occupational health and safety, measures for the improvement of working conditions and about the results of inspections in the area of employment and occupational health and safety.

At the same time, the works council is obliged regularly to inform workers and trade unions about its work and to accept their proposals and suggestions.

Elected safety representatives

Under the *Occupational Health and Safety Act*,³ employees may elect from among themselves one or a number of safety representatives.⁴ A safety representative is employed within the employer to represent employees' interests in the area of occupational health and safety.

Where there are twenty or fewer employees working for an employer, the safety representative is elected in a direct and public vote by employees attending a meeting convened by the employer in accordance with the law. Where there are more than twenty employees, safety representatives are elected in line with the labour law regulating the election of a works council.

3 *Official Gazette* 71/14 and 118/14, 94/18.

4 Called in the official English translation of the Act (Part VI) *Employees' Commissioner for Occupational Health and Safety*. Available at: <http://www.mrms.hr/wp-content/uploads/2015/03/ohs-act.pdf>.

The collective agreement may regulate other issues related to the activities carried out by safety representatives, while these issues may also be regulated by an agreement between the employer and the works council where the parties to the collective agreement authorise them to reach one.

Where an employer has several safety representatives, based on the prescribed criteria, the safety representatives should choose a co-ordinator from among their number.

In order that employees receive timely and detailed information about all topics relating to occupational health and safety, their safety representative has to enjoy the trust, respect and recognition of the employer and must also be qualified and focused on fulfilling his or her rights and obligations (Begović, 2016).

Occupational health and safety committee

According to Article 34 of the Occupational Health and Safety Act, an employer with fifty or more employees is obliged to set up an occupational health and safety committee as its advisory body for the improvement of occupational health and safety.

The committee should consist of:

- the employer (or duly authorised officer)
- any occupational health and safety specialist engaged in that capacity by the organisation
- any occupational physician appointed in accordance with a specific regulation
- the elected safety representative or their co-ordinator.

The committee is chaired by the employer (or authorised officer), which should also adopt in writing a decision on the nomination of the committee members. The committee should meet according at least to the time limits set out in the Occupational Health and Safety Act or more frequently if necessary. If the employer fails to convene a meeting of the committee within the time limits set out in the law, the safety representatives or their co-ordinator have the right to call a meeting.

For the purpose of the continuous improvement of occupational health and safety, the committee should plan and monitor:

- the application of occupational health and safety rules in the undertaking
- the organisation of occupational health and safety
- information and training in relation to occupational health and safety
- prevention of risks at work, and in relation to work and its effects on the health and safety of employees.

The tasks of the committee may be extended by collective agreement or an agreement between the works council and the employer.

National Council for Work Safety

The government systematically monitors the state of occupational health and safety in the Republic of Croatia. In consultation with representatives of employers and employees, it identifies, proposes, implements and systematically reviews the policy of occupational health and safety, and proposes amendments to the legislation

in order to improve safety and protect the health of employees. With these aims in mind, it has established a National Council for Work Safety.

The National Council for Work Safety:

1. monitors, analyses and evaluates the system and policy of occupational health and safety and informs the government of its findings and assessments and proposes necessary changes
2. monitors the effects of the application of the Act, and its implementing regulations, specific laws and other regulations which protect the health and safety of employees in Croatia; and, if necessary, proposes changes to the government including their alignment with international regulations
3. provides its opinion on draft regulatory impact statements and on draft regulatory proposals in the field of occupational health and safety
4. proposes measures for improving the occupational health and safety system in Croatia
5. participates in the organisation of the National Day of Occupational Health and Safety
6. performs other tasks at the request of the government.

The number and composition of the members of the National Council for Work Safety is set out in the provisions of the Occupational Health and Safety Act. The members of the National Council for Work Safety are nominated for a term of four years and can be re-nominated.

Social dialogue and social partnership as an instrument for improving the occupational health and safety system

Social partnership is of decisive importance when it comes to facing various challenges related to the improvement of the occupational health and safety system. Coherent and genuine social dialogue, founded in mutual trust between all the social partners (the government, employers and trade unions) but also their commitment to achieving common goals, is an incontestable mechanism for reaching the quality solutions necessary for the development of the occupational health and safety system.

Within the OHS system of rules, collective agreements play a special role as original and autonomous legal acts agreed to and signed by the social partners. In addition to basic material rights and obligations, collective agreements also contain legal rules regulating occupational health and safety as well as setting down preconditions for the work of workers' representatives. In that way, workers' representatives have gained a prominent role and become active stakeholders within the occupational health and safety system.

The presumption that seeking improvements in the indicators of life, health and the preservation of labour capacity is a value of special social interest in the Republic of Croatia was the reason for establishing the National Council for Work Safety. This is, as we have seen, constituted as an advisory body in the framework of which the government may consult the representatives of employers and workers on occupational health and safety policy with the aim of improving it (Učur, 2007). The right to co-determination in workplace labour relations thus plays a crucial role in the pro-

tection of workers' fundamental interests, including improving their health and safety while in the workplace.

According to information provided by the Croatian Institute for Public Health, in 2018 there were 18 720 accidents at work reported while at the level of the country as a whole, the average rate per 1 000 workers amounted to 13.49.

In addition to accidents at work which could have been prevented with a more efficient implementation of preventive measures in line with the OHS rules, the problems and challenges we face, together with our partners, in our everyday work in improving occupational health and safety centre on the insufficient and very often inefficient social dialogue concerning the wide range of issues relevant to workers' health and safety at work. Furthermore, there is also a lack of understanding of the role and obligations of elected safety representatives, shop stewards and those officers who are authorised to act on behalf of a company.

Research method

The survey being reported on in this article resulted from a project which encompassed the following social partners: Independent Trade Union of Food and Beverage Manufacturers (NSRPHP); Independent Trade Union 'Social Justice' (NSSP); Independent Trade Unions of Croatia (NHS); Croatian Employers' Association (HUP); and the Slavonski Brod and Posavina (*Brodsko-posavska županija*) and Požega and Slavonija (*Požeško-slavonska županija*) counties.

The project focused on the strengthening of social dialogue on all relevant issues related to occupational health and safety at work. Greater efficiency in the accomplishment of goals, together with defining the objectives related to OHS, requires effective social dialogue on all matters affecting workers' health and safety as well as a sound understanding of the role and obligations of safety representatives, shop stewards and company authorised officers. Another of the prerequisites is well-developed professional capacities among all the parties involved in social dialogue. In order to realise this, it is necessary first to conduct an analysis of the current state of affairs.

The objective of the survey was to investigate the quality of social dialogue in the implementation of occupational health and safety requirements in order better to understand the role, significance and representation of social dialogue stakeholders in the work of OHS bodies at all levels.

In order to achieve that objective, a questionnaire was created composed of forty questions. Respondents were able to reply to the questions both on paper and online. The survey was conducted on a sample of 603 respondents, out of which 239 questionnaires (39.63 per cent) were properly filled in and, as such, were suitable for further processing of the data. The survey was conducted during June, July and August 2018 on the territory of the Republic of Croatia, namely in the following Croatian counties: Požega and Slavonija County; Osijek and Baranja County; Slavonski Brod and Posavina County; and Vukovar and Srijem County.

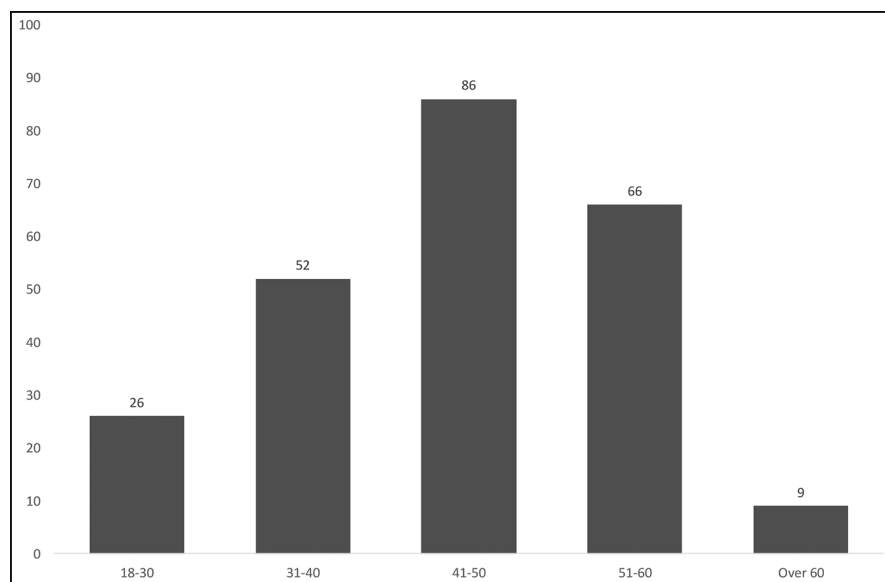
This article first presents the results of the survey, focusing exclusively on the issue of social dialogue, while a later discussion section provides an overview of the key themes thrown up by the research.

Results of the survey

Profile of respondents

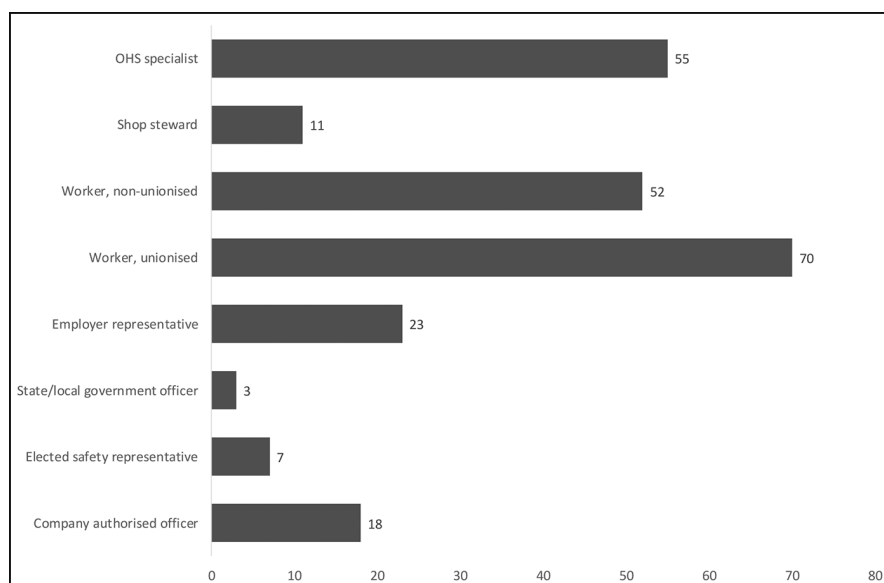
Out of the total number of 239 respondents whose questionnaires have been selected for analysis, more than one half (53.97 per cent) were male. The largest group of respondents (35.98 per cent) fell into the category of 41-50 years of age, while 27.62 per cent were 51-60 years of age and 21.76 per cent were younger than forty but older than 31. In the sample, 26 respondents belonged to the '30 or younger' category while nine respondents were older than 60 (Chart 1).

Chart 1 – Distribution of respondents by age



Source: Survey data

Out of the total number, most respondents participating in the survey were employed; 29.29 per cent were unionised while 21.76 per cent were not union members. Among all our respondents there were 55 OHS specialists, 18 company authorised officers, seven safety representatives, eleven shop stewards and three representatives of state or local authorities (Chart 2).

Chart 2 – Position of respondents within the organisation

Source: Survey data

More than one-half of respondents (51.05 per cent) worked in domestic privately-owned organisations; 64 respondents were employed with state or public organisations; 26 were employed in foreign-owned private sector businesses; and 18 in businesses with mixed ownership. Nine respondents stated that they had no knowledge of the ownership structure of their business organisation (Table 1).

Table 1 – Type of business ownership

Types of business ownership	Number of respondents	Percentage
Public/state	64	26.78%
Mixed	18	7.53%
Don't know	9	3.77%
Private domestic	121	51.05%
Private foreign-owned	26	10.88%

Source: Survey data

The survey was conducted in four Croatian counties but, apart from these, the business entities from which respondents came were based either in the city of Zagreb (7.95 per cent) or in Zagreb County (4.18 per cent); or outside of the country altogether (2.51 per cent). Most of the businesses whose employees took part in this

survey have business units in several locations (n= 171) while the remainder were located in a single place.

A total of 37.66 per cent of respondents worked in businesses employing more than 500 employees; 64 respondents were employed in medium-sized employers (50-249 employees) while 42 worked for small employers (10-49 employees) (Table 2).

Table 2 – Size of business organisation, by number of employees

	Number of respondents	Percentage
1-9 employees	14	5.86%
10-49 employees	42	17.57%
50-249 employees	64	26.78%
250-499 employees	29	12.13%
500 or more employees	90	37.66%

Source: Survey data

Social dialogue within business organisations

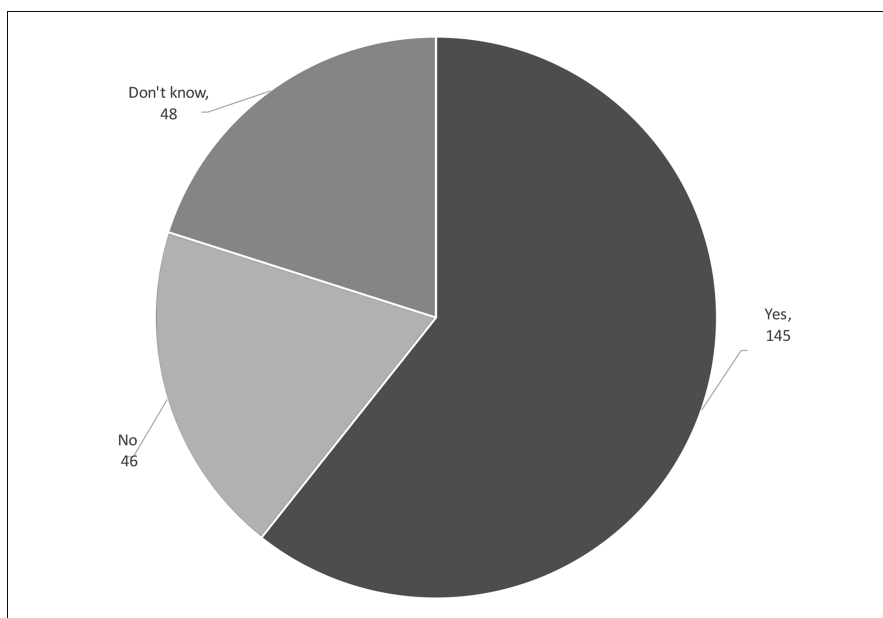
This section presents the results of the survey in terms of the sample's views related to collective bargaining; the availability of workers' and employers' representatives; the extent to which workers are informed by their safety representatives and by company authorised officers; the forms of social dialogue in place; responsibility for strengthening social dialogue; and the extent of the roles taken by workers' and employers' representatives in the implementation of occupational health and safety requirements.

Furthermore, we also look in this section at risk assessments, how the sample judged the state of health and safety in their workplaces and at the implementation of health promotion activities in the workplace.

Collective agreements

Respondents (n= 239) stated that there was a collective agreement in their workplace, concluded at company level, in 60.67 per cent of cases, while 19.25 per cent stated the opposite. At the same time, 20.08 per cent of respondents did not know whether or not there was a signed collective agreement in place (Chart 3).

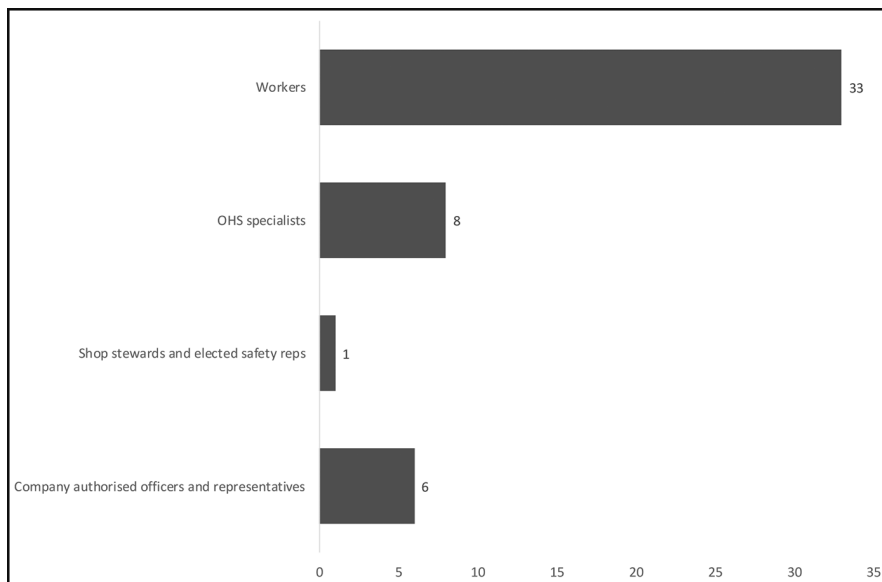
Chart 3 – Number of signed company-level collective agreements in place



Source: Survey data

Detailed analysis of the results for the individual groups under scrutiny indicate that six out of 41 respondents (14.63 per cent) in the employers' group did not know if a collective agreement had been signed. The same was expressed by eight out of 55 respondents (14.55 per cent) belonging to the group comprised of OHS specialists while 33 out of 122 workers (27.05 per cent) also stated that they did not know if their business had a collective agreement signed in place.

Chart 4 – Number of respondents who did not know if a collective agreement had been signed



Source: Survey data

Availability of workers' representatives

Some 62.34 per cent of respondents stated that, if necessary, they were always able to reach their workers' representative. Three workers stated that they were unable ever to do so, but as many as 18.41 per cent of respondents stated that they had no need to contact a workers' representative.

The structure of respondents who said they had never had a need to contact a worker's representative is as follows: two company authorised officers; three employer representatives; sixteen unionised workers and sixteen non-unionised ones; three shop stewards; and four OHS specialists (Table 3).

Table 3 – Availability of workers’ representatives (elected safety representative/ shop steward) in case of an issue related to OHS

	Number of respondents	Percentage
Always	149	62.34%
Frequently	22	9.21%
Sometimes	16	6.69%
Rarely	5	2.09%
Never	3	1.26%
I do not see the need	44	18.41%

Source: Survey data

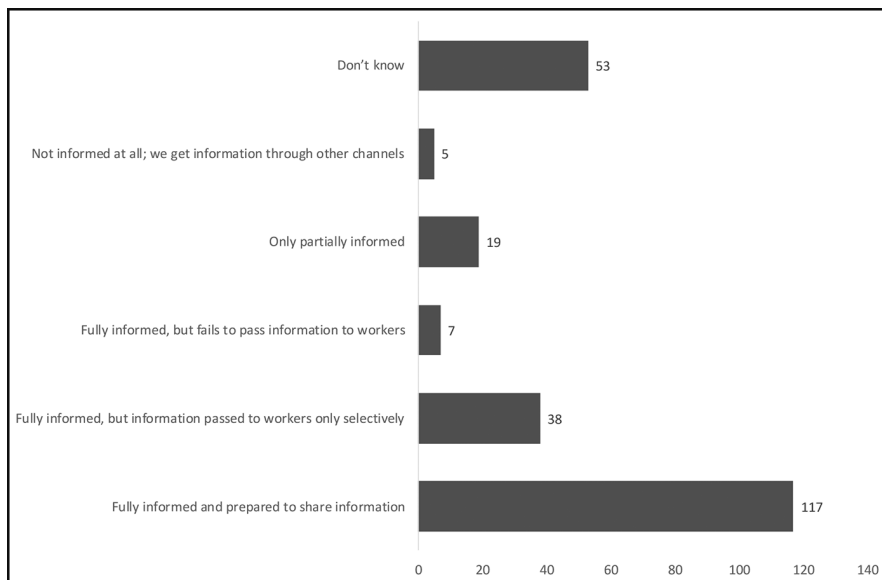
Availability of employer representatives

Here, 150 respondents confirmed that the employer representative was always available while ten stated that the authorised officer was rarely, or never, available. As many as 38 respondents stated that they had never had to contact the company authorised officer over an occupational health and safety issue.

Extent to which respondents feel informed in relation to OHS by worker and employer representatives

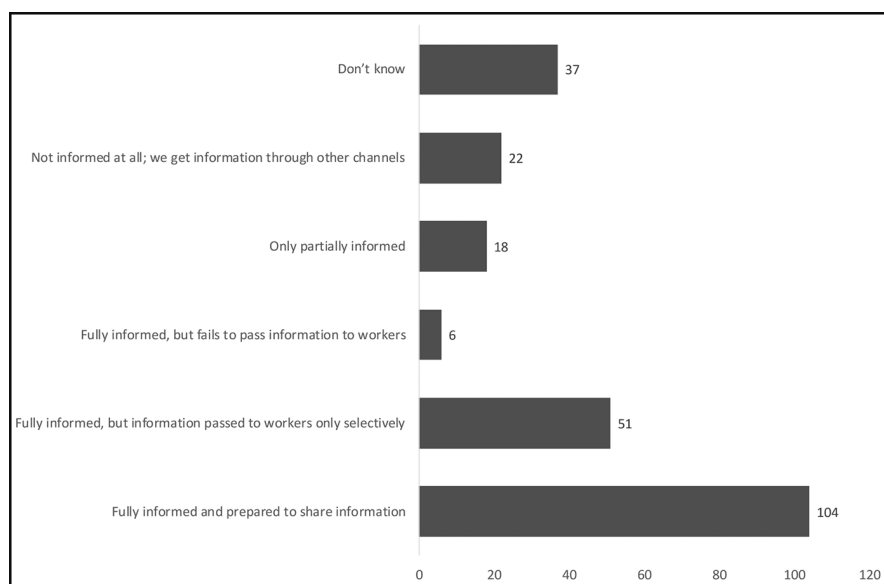
A total of 117 respondents (48.95 per cent) stated that the appropriate worker representative had all the necessary information and was willing to share it with workers. However, 38 respondents stated that the safety representative was selective over which information would be transmitted to workers while seven stated that the representative did not pass on the information despite having access to it. Twenty four respondents stated that the commissioner only provided partial information or was uninformed, while 53 stated that they did not know how to respond to that question (Chart 5).

Chart 5 – Extent to which workers felt informed by their elected safety representatives



Source: Survey data

When it comes to the representatives of the employer, 104 workers confirmed complete transmission of information while 51 respondents stated that the authorised representatives shared information selectively. Forty respondents expressed the view that the employer's representative had, at best, limited access to information while 37 expressed that they did not know how to respond to that question (Chart 6).

Chart 6 – Extent to which workers felt informed by employer representatives

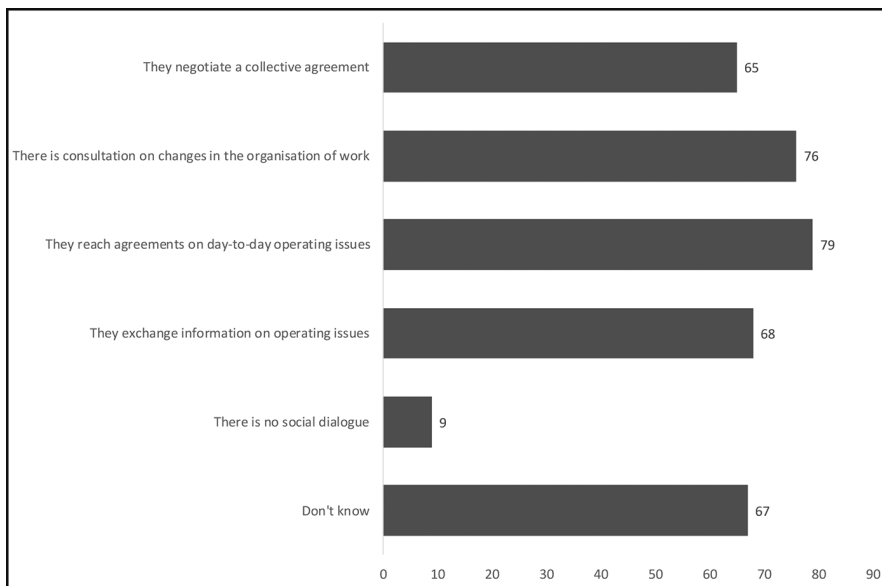
Source: Survey data

Regarding the quality of the feedback provided by both workers' and employer's representatives, a high percentage of respondents confirmed that they received feedback within a very short period of time. More than one-half of respondents stated that a meeting with their social partners would take place if requested, although 26 respondents believed that this would be the case only if the other side saw some interest in having such a meeting. Some 49 people responded by saying 'Don't know'.

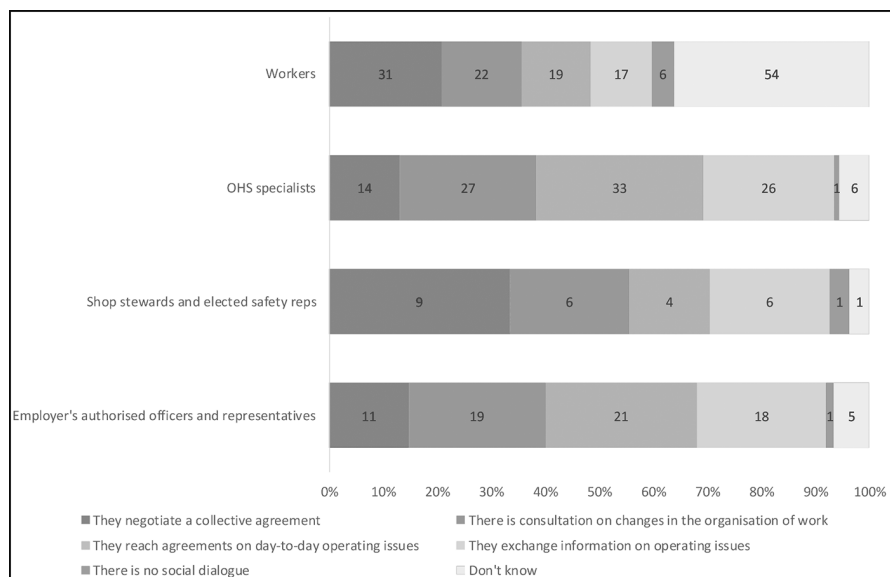
Forms of social dialogue in business organisations

The survey related to various forms of social dialogue indicates fairly equal representation in all the categories offered (Chart 7). However, detailed analysis by respondent function indicates that those who expressed that they did not have any knowledge of the form of social dialogue in place were found far more commonly among workers (36 per cent); while the other three remaining groups of respondents (i.e. specialists of one type or another and authorised officers) were equally represented in terms of reporting the existence in principle of social dialogue, although the precise form varied from one to another (Chart 8).

Chart 7 – What form of social dialogue do stakeholders in your organisation undertake?



Source: Survey data

Chart 8 – Detailed comparison, by respondent group, on forms of social dialogue

Source: Survey data

Responsibility for strengthening social dialogue

According to our respondents, the greatest responsibility for strengthening social dialogue is borne by the employer (44.35 per cent) or by trade unions (29.71 per cent). A large number of respondents stated that they did not know who was responsible, while 4.81 per cent of respondents stated that no-one was responsible.

Table 4 – The biggest responsibility for strengthening social dialogue within a business organisation of my employer lies with:

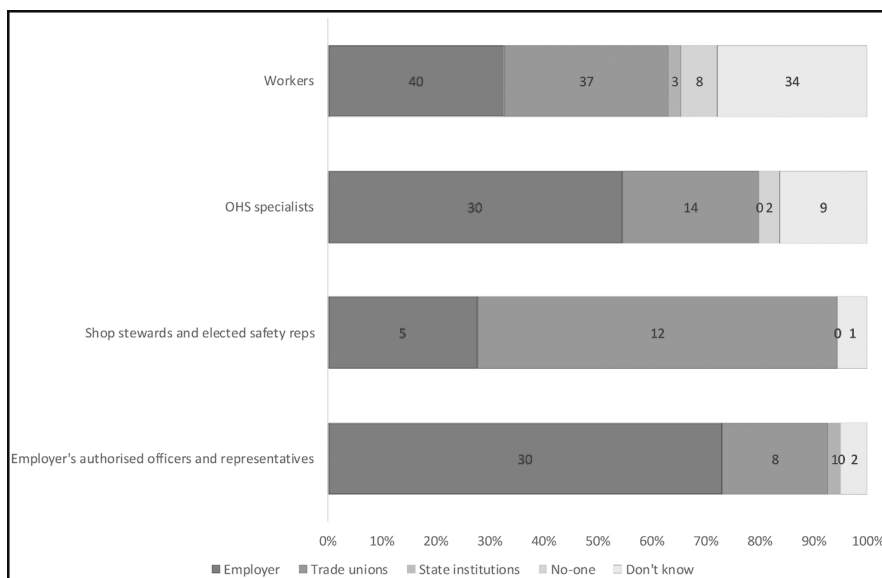
	Number of respondents	Percentage
State institutions	6	2.51%
Don't know	46	19.25%
No-one	10	4.18%
Employer	106	44.35%
Trade unions	71	29.71%

Source: Survey data

Detailed analysis of the data presented in Table 4 indicates very similar results across the groups. By function (organisational position) all respondents, except for

those belonging to the group of workers' representatives, believed that the employer has the greatest responsibility for strengthening social dialogue, followed by trade union representatives. Workers' representatives, in contrast, stated that they were the most important actors in strengthening social dialogue.

Chart 9 – Responsibility for strengthening social dialogue, by respondent group

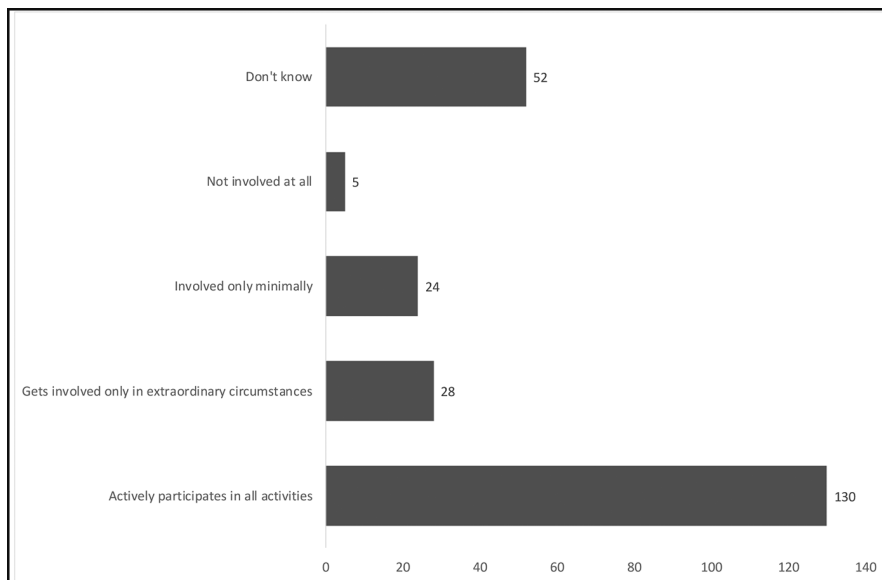


Source: Survey data

The extent of the role of workers' representatives in implementing OHS requirements

Charts 10 and 11 indicate the extent of the role taken by workers' representatives, i.e. those representatives responsible for OHS activities, alongside detailed analysis of the responses to that question by respondent function. Some 54 per cent of all respondents considered that their workers' representative actively participated in all activities; while fairly equal numbers of respondents in both cases stated either that their workers' representative was involved only in the case of extraordinary circumstances or, otherwise, showed minimal involvement in OHS activities.

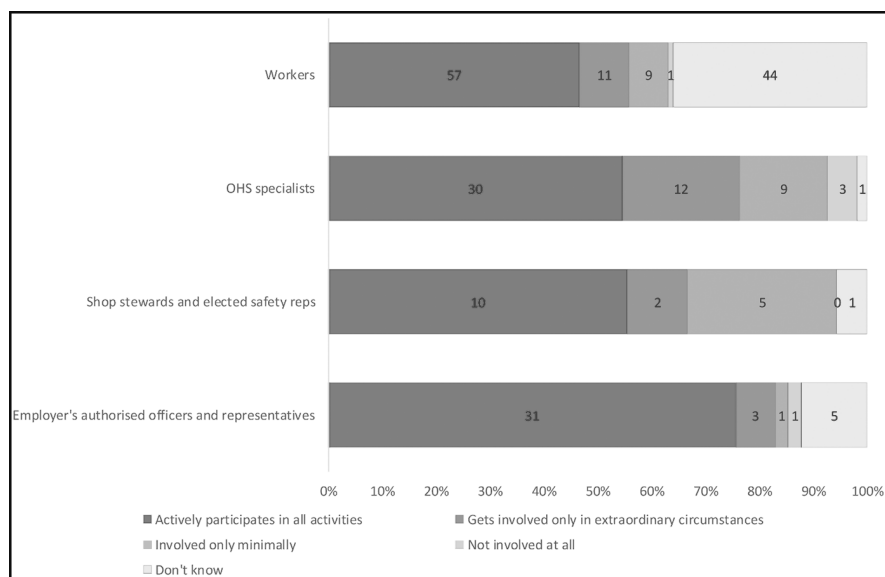
Chart 10 – How far is the workers’ representative (elected safety representative/ shop steward) involved in OHS activities?



Source: Survey data

The responses are similarly distributed when compared against respondents’ function. A majority of respondents, regardless of the group to which they belong, stated that the safety representative took active part in all activities. However, it is interesting to note that a high percentage of workers (36 per cent) stated that they did not know the answer to this question.

When it comes to knowledge about the scope of the OHS work performed by workers’ representatives, 71.13 per cent of respondents assessed their knowledge as good, very good or excellent. The results of detailed analysis by respondent group indicate the same trend: all groups of respondents gave a positive assessment of worker representatives’ knowledge. Once again, however, workers were the group that gave the most significant number of ‘Don’t know’ responses.

Chart 11 – Involvement of workers’ representatives, by respondent group

Source: Survey data

A total of 43.10 per cent of respondents stated that worker representatives played a very important role in the implementation of OHS requirements, in contrast to 20.08 per cent of respondents who stated the opposite and 19.25 per cent who expressed that they were unable to assess the level of importance of the role played.

Table 5 – In the implementation of OHS requirements, the workers’ representative (elected safety rep/shop steward), in the business organisation of my employment...

	Number of respondents	Percentage
Plays a very important role	103	43.10%
Does not have a role	48	20.08%
I am unable to assess	46	19.25%
Don't know	42	17.57%

Source: Survey data

Risk assessments

Under the Occupational Health and Safety Act, employers are obliged, taking into account the type of work being performed and its nature, to assess the risks to life and health of their employees and of people at work as a means to engage in risk

prevention or reduction activities. In addition, the employer is obliged to produce a risk assessment in written or electronic form and to make such a document available to employees in the workplace.

Our survey indicated that 70.71 per cent of respondents believed that a risk assessment procedure had been conducted, and a risk assessment adopted at the level of their company, although 23.85 per cent stated that they did not know. However, 29.29 per cent of respondents claimed that the employer had failed to produce the risk assessment document, which would constitute a severe breach of the legal provisions.

It is worrying that 23.85 per cent of respondents had no knowledge of the adoption of a risk assessment in their employer, indicating that a risk assessment document had not been made available in their workplace. Furthermore, detailed analysis of the data leads to the conclusion that, out of the total number of respondents who had no knowledge of the risk assessment procedures, 43 per cent belong among the group comprised of workers and 11 per cent to the group composed of worker representatives. Both groups should have been directly involved in the risk assessment procedure.

Assessment of workplace health and safety

When it comes to assessing the state of health and safety in their companies, 42.26 per cent of respondents estimated that the situation was very good, 33.89 per cent that it was satisfactory and 2.93 per cent that it was basic. Some one in five, 20.92 per cent, were unable to make any sort of assessment. Furthermore, 76 per cent of the employer representatives in our sample stated that the situation with OHS was very good while 67 per cent of our worker representatives considered it to be poor. Almost equal percentages of workers in each case estimated the situation with workplace health and safety to be very good, satisfactory or poor (33 per cent).

A considerable number of respondents (78.24 per cent) stated that company rules and regulations concerning workplace health and safety were available, as were instructions on safe working procedures.

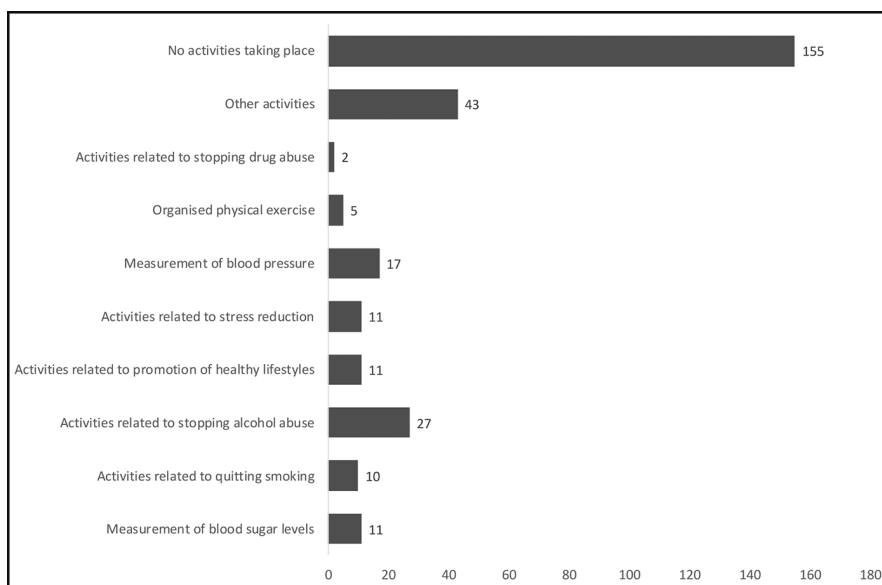
Meanwhile, 74.06 per cent of respondents stated that their employer had consulted or informed workers, or their representatives, about all issues related to workplace health and safety either at all times or, at least, sometimes.

Health checks and the implementation of OHS promotional activities

In relation to health checks organised at company level, 73.64 per cent of all respondents (n= 239) stated that health checks were organised regularly, being either once a year (41.42 per cent of cases) and once every two years (32.22 per cent). This represents a respectable percentage of workers being covered by workplace health checks. The right to regular health checks is a direct result of social dialogue and collective bargaining agreements or other agreements between the social partners. At this point, we should recall that 60.67 per cent of respondents stated that there had been a collective agreement signed covering their workplace.

Our analysis of OHS promotional activities indicates that 64.85 per cent of respondents estimated that there were no activities of that nature taking place, while the remaining percentage of respondents claimed that the following activities had been implemented: measurement of blood sugar (4.60 per cent); activities related to quitting smoking (4.18 per cent); activities related to stopping alcohol abuse (11.30 per cent); activities related to the promotion of healthy lifestyles (4.60 per cent); activities related to stress reduction (4.60 per cent); measurement of blood pressure (7.11 per cent); organised physical exercise (2.09 per cent); and activities related to stopping drug abuse (0.84 per cent) (Chart 12).

Chart 12 – The following activities have been implemented in terms of the promotion of OHS



Source: Survey data

Discussion

This survey, conducted in the framework of the EU project, was planned on the basis that, up until now, there has been little or no analysis of the quality of social dialogue in the implementation of occupational health and safety requirements. This further supports the significance of the data collected and the various indicated challenges related to social dialogue that require additional effort if the quality of social dialogue is to improve.

The survey results highlight that workers (both unionised and non-unionised) provided numerically the biggest contribution to questionnaire returns in the context of the survey, followed by occupational health and safety specialists, worker representatives and then employer ones.

Three in five respondents (60.67 per cent) stated that their employer had a signed collective agreement in place at company level, while 19.25 per cent of respondents claimed the opposite and 20.08 per cent did not know whether their organisation had one in place or not. Detailed analysis of each of the groups of respondents observed in this survey indicates that six out of 41 respondents (or 14.63 per cent) among employer representatives had no knowledge of whether their company had a collective agreement, followed by eight out of 55 OHS specialists (14.55 per cent). At the same time, 33 out of 122 surveyed workers (27.05 per cent) also stated that they had no knowledge of whether their company had signed a collective agreement. Such a high number of respondents without knowledge of a collective agreement being in place, especially among workers, indicates that all parties in the social dialogue, and in particular the trade union side as one of the signatory parties to a collective agreement, must undertake certain measures and activities to inform people better, either by way of trade union communications, social networks or some other appropriate way.

The question regarding the accessibility of the stakeholders participating in social dialogue (both worker and employer representatives) in the domain of OHS demonstrates a very high number of respondents stating that both stakeholders are available (at all times or very frequently – more than 70 per cent), which indicates the active involvement of the social partners in workplace health and safety. At the same time, the responses also indicate that the social partners generously shared information concerning occupational health and safety (48.95 per cent of worker representatives and 43.51 per cent of employer ones) and provide timely feedback to various requests (more than 60 per cent of respondents). Respondents also stated that the elected safety representative played an important role in the implementation of OHS requirements (43.10 per cent). The opposite view was expressed by 20.08 per cent of respondents, while 19.25 per cent stated that they were unable to make an assessment of this.

Detailed analysis indicates that all groups of respondents thought that worker representatives played a very important role. This was, however, yet another question to which a high percentage of workers answered with ‘Don’t know’ or ‘I am unable to make an assessment’. There was also a strong line of negativity running through OHS specialists, among which 36 per cent of respondents (n= 55) answered that safety representatives did not play an important role in the implementation of OHS requirements. On the basis of these results, it can be concluded that respondents lacked knowledge about the specific activities undertaken by workers’ representatives or their achievements in the OHS field. This can be improved with the use of the diverse communication channels directed at all stakeholders involved in OHS.

However, a very high number of respondents (n= 200) stated that they had no obstacles in communicating with worker representatives regarding all issues, while more than one-half thought that their workers’ representative would act after having received information or a request.

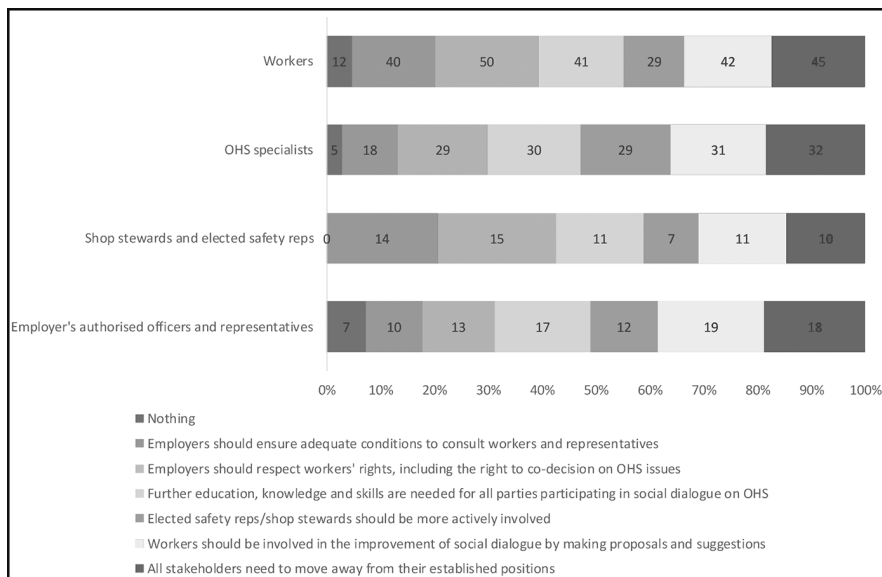
According to the OHS law, workers have the obligation to co-operate with their employer, its duly authorised officers, occupational health and safety specialists, safety representatives and any occupational health physicians in order to resolve all matters concerning occupational health and safety. This is so for as long as is neces-

sary to ensure that the working environment and working conditions pose no risk to health and safety, or until occupational health and safety measures entirely comply with the requirements set out by the bodies competent for the supervision of occupational health and safety. Our survey was concerned therefore also to investigate the level of co-operation between workers and the range of occupational health and safety stakeholders. Most respondents, some 75 per cent, said they had actively co-operated in concrete measures intended to improve the OHS system in conjunction with the OHS specialist, while 74.9 per cent said they had been co-operating with worker representatives to improve the OHS system.

All respondent groups, both in combination and individually, indicate similar positions concerning various proposals for the improvement of social dialogue in workplace health and safety. Namely, 19 per cent of respondents within the group of workers believed that employers had the obligation to respect workers' rights and thus also the right to co-determination in the OHS field. This opinion was shared by 17 per cent of OHS specialists, 14 per cent of employer representatives and 22 per cent of worker representatives.

Furthermore, 16 per cent of workers, 17 per cent of OHS specialists, and 10 per cent of worker representatives and 13 per cent of employer ones agreed that all stakeholders participating in the social dialogue on OHS need further education, training and new skills. Some 20 per cent of employer representatives, 18 per cent of OHS specialists, and 16 per cent of both worker representatives and workers thought that more workers needed to become involved in the strengthening of the social dialogue on OHS (Chart 13).

Chart 13 – In order to strengthen the social dialogue on OHS in my employer, it is necessary to do as follows...



Conclusion

The objective of the survey was achieved by collecting topical information on the quality of social dialogue in the implementation of occupational health and safety so as to understand better the contribution of various social dialogue stakeholders in the work of OHS bodies, a task to which a questionnaire survey is a proven means to this end. On the basis of the results of the survey, the following conclusions can be drawn.

Efficient realisation of the objectives related to occupational health and safety requires effective social dialogue on all relevant issues concerning workers' health and safety at work and mutual understanding of the roles of the various actors. Improving the social dialogue on OHS requires improvements to the professional capacities of all the stakeholders.

On the basis of the results of this survey indicating the perception of respondents on the quality of social dialogue on OHS, it is clear that additional activities need to be undertaken which focus on education and information, and which contribute to strengthening and improving the social dialogue both at the level of trade unions and trade union confederations as well as at the level of individual companies. Risk prevention and the promotion of safe and healthy working conditions in the workplace are key not only to the improvement of the quality of the workplace and working conditions but also to the promotion of competitiveness. Focusing on workers' health has a direct and measurable, positive effect on productivity and thus contributes to

the improved sustainability of the social security system. Prevention of dangerous accidents, occupational diseases and work-related illnesses, together with the promotion of health throughout workers' working lives, from the first employment onwards, are key to generating a longer working life.

Social partnership and social dialogue are valid and extremely important elements of the attempt to find solutions to the various challenges necessitated by the desire to improve the OHS system. We believe that meaningful social dialogue, founded on the principle of trust between the social partners and dedication to the achievement of common objectives, will lead to the quality solutions required. In this respect, collective agreements have a particular role to play as a result of their origins within a social partnership approach and with the view in mind that problems are most successfully resolved at the level at which they arise. In addition to the basic entitlements and obligations set out in the law, collective agreements provide (among other improvements to working conditions) further legal provisions which determine the nature and contribution of the OHS system within the workplace. Furthermore, they also provide a way for worker representatives to obtain an important role and become active stakeholders within that system.

In order fully to integrate worker representatives, shop stewards and safety representatives within the safety management system, it is necessary to pay greater attention to their professional capacities and to the further development of knowledge and new skills, as we set out in our recommendations below. In introducing new and innovative processes for knowledge acquisition, the need for adequate support from both employers and trade unions, especially by actively fostering lifelong learning, is well worth underlining. Only qualified and motivated worker representatives, shop stewards and safety representatives who are able to organise their activities through working together as a team can become active stakeholders in safety management.

Recommendations

In view of our survey results, showing respondents' perceptions of the quality of social dialogue, and with the Programme Guidelines of NHS (Independent Trade Unions of Croatia)⁵ in mind, we are able to recommend particular steps and activities that may be taken as a way to contribute to strengthening and improving the social dialogue at trade union/confederation level as well as at that of individual companies.

Education

To understand better and properly react in the upcoming period, trade unions will need to organise various forms of education for their members in order that members and worker representatives in the OHS field will be able to develop all the necessary forms of organisation, knowledge and skills required to mount an effective response to the new times and conditions. This ideally needs to be done as soon as possible.

- 5 Independent Trade Unions of Croatia (NHS) (2016) *Programme Guidelines* Zagreb: NHS. See also C. Kovač (2017) *Improvement of the OHS system and worker participation* Conference on Management and Safety -2018, Conference Proceedings, Neum, Mostar.

Investing in the education of shop stewards and safety representatives is one of the ways to retain a quality workforce. Trade unions need to invest continuously in the education of their shop stewards and safety representatives because the knowledge, skills and competences acquired imply a pledge to successful trade union work, while it is clear that these remain 'a permanent possession' in the hands of the shop stewards and safety representatives concerned.

Preferred forms of activities are: workshops; seminars; professional conferences; training events; and study visits.

Information

It is often apparent that trade union members and other workers lack information on certain issues related to occupational health and safety and thus they fail to react in a timely and adequate way. For that reason, trade unions should plan to foster more comprehensive and complete forms of delivering information to trade union members as well as all other workers. In doing so, trade unions should use all forms of modern technologies.

Preferred activities include: publication of trade union positions and professional opinions regarding OHS in trade union journals, on trade union websites and in the mass media.

Communication

Communication within trade union structures often operates in a one-way fashion in the form of a piece of information or message conveyed to members. As a result, trade unions should use advanced and new forms of technology to communicate with members by asking members about their wishes and their problems, as well as their expectations of their trade unions and their confederations. That feedback should then be used to organise and direct their own activities accordingly.

Preferred types of activity: questionnaires; workers' meetings; meetings with partner trade union organisations; exchanges of good practice.

Representation

It is obvious that, very often, trade unions are not sufficiently successful in presenting their activities, work and successful actions regarding the protection and promotion of members' rights in the area of occupational health and safety. This leads to a wrong image of trade unions in the eyes of the public. Therefore, it is necessary to create new strategies to present trade union activities in the OHS field. In the age of the new digital society, there is also a need for the development of entirely new and different approaches, methods and strategies in union organisation and recruitment. It is thereby necessary to pay special attention to organising and recruiting members, particularly women and young people among whom trade union membership is proportionately lower.

Preferred types of activity: publications in the media, trade union journals and on the websites of trade unions and confederations; participation in seminars, conferences and round tables; and the dissemination of occasional informative leaflets.

References

- Begović, V (2016) *Socijalni dijalog i partnerstvo u funkciji unapređivanja zaštite na radu* [Social dialogue and partnership in the function of the improvement of OHS] u 6. Međunarodni stručno-znanstveni skup, Veleučilište u Karlovcu, Karlovac.
- Buklijaš, B (2012) *Kolektivno radno parvo* [Collective Labour Rights] Split: Pravni fakultet u Splitu.
- International Labour Organization (2012) *Social Dialogue – A Manual for Trade Union Education* Geneva: International Labour Organization.
- Kovač, C (2016) *Social partnership in occupational safety and health* u 6. Međunarodni stručno-znanstveni skup, Veleučilište u Karlovcu, Karlovac.
- Kovač, C (2017) *Unaprjeđivanje sustava zaštite na radu i radnička participacija* [Improvement of the OHS system and worker participation] Konferencija Menadžment i sigurnost 2018., Zbornik radova, Neum, Mostar.
- Nezavisnih hrvatskih sindikata (2016) *Programske smjernice* [Programme Guidelines] Zagreb: NHS.
- Šijaković, A, I. Krišto, C. Kovač and H. Kovač (2018) *Quality of social dialogue in the implementation of health and safety at work* Kutjevo: Independent Trade Union of Food and Beverage Manufacturers.
- Šokčević, S (2006a) *Industrijska demokracija i zaštita na radu* [Industrial Democracy and Occupational Health and Safety] Zagreb: Tim Press.
- Šokčević, S (2006b) *Zaštita zdravlja i sigurnost na radu* [Occupational Health and Safety at Work] Zagreb: Tim Press.
- Učur, M (2007) *Nomotehnika u radnom pravu i pravu zaštite na radu* [Nomotechnical rules in labour and OHS law] Rijeka: Veleučilište u Rijeci.
- Učur, M and V. Smokvina (2010) 'Industrijske akcije kao sindikalna prava i slobode' ['Industrial action as a trade union right and freedom'] *Zbornik Pravnog fakulteta u Rijeci* 31(2): 671-701 [Collection of Works of the Faculty of Law in Rijeka].
- Voss, E, H. Gospel and A. Dornelas (2013) *What works and why? Results of a synthesis review of social dialogue interventions 2002-2012* Geneva: International Labour Office (ILO).